

United States District Court

FILED

MAR 12 2010

Western DISTRICT OF Texas

 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY [Signature]
 DEPUTY CLERK

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Kristian Jesse Culver

CASE NUMBER: A-10-M-202

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 10th, 2010 in TRAVIS county, in the Western District of Texas defendant(s) did,

having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possess a firearm, which affected interstate or foreign commerce

in violation of Title 18 United States Code, Section(s) 922(g)(1)

I further state that I am a(n) Detective with the Austin Police Department and that this complaint is based on the following facts:
 Official Title

<< See attachment >>

Continued on the attached sheet and made a part hereof. X Yes No

Det Patricia Cruz #4262

Signature of Affiant – Detective Patricia Cruz #4262

Sworn to before me, and subscribed in my presence

March 12th, 2010

Date

at Austin, Texas

City and State

Andrew Austin, United States Magistrate Judge

Name and Title of Judicial Officer

[Signature]

Signature of Judicial Officer

Attachment

The following information is a result of my investigation and information provided to me by other law enforcement sources:

On March 10th, 2010, Kristian Culver went to the residence of Guillermo Villarreal at 127 E Riverside Dr in Austin, Travis County, Texas. Villarreal noted that Culver was going through his kitchen drawers and Villarreal told Culver that there was nothing in the drawers. Culver left the residence a short time later.

After Culver left, Villarreal found that his handgun, a Smith and Wesson model 3953 semi-automatic pistol bearing serial number TJB3341, was missing from one of the kitchen drawers. Villarreal called the Austin Police Department (APD) and initiated a theft report under APD offense report 2010-700234. The case was later assigned to APD Detective Kos.

Within about an hour of Culver leaving Villarreal's residence, Culver was involved in a automobile collision. Culver was the sole occupant of his vehicle and was arrested for Driving While Intoxicated by APD Officer Azuara. Culver's vehicle was impounded by APD.

Both Villarreal's residence and the location of the collision are within the Western District of Texas.

On March 11th, 2010, APD Detective Kos prepared a search warrant to search Culver's vehicle for the stolen firearm. The search warrant was approved by Austin Municipal Court Judge McKee and filed in Municipal Court (Search Warrant # S-1071183). Detective Kos executed the warrant and recovered the stolen Smith and Wesson model 3953 semi-automatic pistol bearing serial number TJB3341 from Culver's vehicle.

On March 12th, 2010, APD Detective Skolaut and I interviewed Culver at Travis County jail. Culver agreed to waive his rights and admitted to taking the gun from Villarreal's residence and possessing it in his vehicle.

Kristian Culver is currently on federal supervised release having been previously convicted of False Statement During a Firearms Purchase and Unlawful Receipt of a Firearm While Under Indictment on May 18th, 2007 in the Western District of Texas and sentenced to 30 months in the Bureau of Prisons followed by three years of supervised release.

ATF Special Agent (SA) Daniel Mueller, an Interstate Nexus Expert, has examined the information relating to the above-described firearm to determine its effect on interstate and foreign commerce. SA Daniel Mueller stated that the firearm was not manufactured in the State of Texas and that if it was possessed in Texas it would have had to travel in and affect interstate and foreign commerce.

Based on the above information, I believe probable cause exists to believe that **Kristian Jesse Culver** has violated Title 18 U.S.C., Section 922(g)(1) in Austin, Travis County, Western Judicial District of Texas.